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DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION: FOOD AND AGRICULTURAL DEVELOPMENT

Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas

Report of the Secretary-General

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I. INTRODUCTION

1. At its forty-sixth session, in its resolution 46/215 of 20 December 1991, the General Assembly recalled its resolutions 44/225 and 45/197 and in paragraph 3 of the resolution called upon all members of the international community to implement resolutions 44/225 and 45/197 by, inter alia, taking the following actions:

> "(a) Beginning on 1 January 1992, reduce fishing effort in existing large-scale pelagic high seas drift-net fisheries by, inter alia, reducing the number of vessels involved, the length of the nets and the area of operation, so as to achieve, by 30 June 1992, a 50 per cent reduction in fishing effort;
>
> "(b) Continue to ensure that the areas of operation of large-scale pelagic high seas drift-net fishing are not expanded and, beginning on 1 January 1992, are further reduced in accordance with paragraph 3 (a) of the present resolution;
>
> "(c) Ensure that a global moratorium on all large-scale pelagic drift-net fishing is fully implemented on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas, by 31 December 1992."

2. In paragraph 5 of resolution 46/215, the General Assembly requested the Secretary-General to bring the resolution to the attention of all members of the international community, intergovernmental and non-governmental organizations and well-established scientific institutions with expertise in relation to living marine resources.

3. These members and organizations were requested to submit to the Secretary-General information concerning activities or conduct inconsistent with the terms of the resolution.

4. Accordingly, the Secretary-General sent a note verbale to all members of the international community, drawing their attention to resolution 46/215. Letters were also addressed to the intergovernmental and well-established scientific institutions with expertise in relation to living marine resources.

5. The Secretary-General has received a number of responses and submissions from States, intergovernmental and non-governmental organizations and scientific organizations, which have been taken into account in the preparation of the present report. He wishes to express his appreciation for all the contributions.

6. The present report is submitted to the General Assembly in response to the request contained in paragraph 7 of resolution 46/215.

II. ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS

7. The North-West Atlantic Fisheries Organization (NAFO) reported that the General Council of NAFO had reconfirmed at its 13th annual meeting in September 1991 that large-scale pelagic drift-net fishing is not presently practised by the contracting parties of NAFO in the Convention area.

8. The International Council for the Exploration of the Sea (ICES) reported that, based on the replies received from 4 out of 17 member countries from ICES member country delegates, there was no use of large-scale pelagic drift-nets in the North Atlantic area.

9. In its response of 30 June 1992, the International Baltic Sea Fishery Commission noted that resolution 46/215 applied to large-scale pelagic drift-net fishing on the high seas. Its understanding was that, for the purpose of resolution 46/215, there were no high seas within the Baltic Sea, and therefore in the International Baltic Sea Fishery Commission area there were no activities or conduct inconsistent with the terms of resolution 46/215.

10. In its submission to the Secretary-General of 14 May 1992, the Latin American Organization for Fisheries Development (OLDEPESCA) stated that this matter was dealt with by the Conference of Ministers of OLDEPESCA at its eighth regular meeting, held in November 1991 at Managua. This meeting adopted resolution No. 076-CM on the prohibition of the use of drift-nets. In that resolution, the Conference of Ministers recognized the highly deleterious effect that large-scale drift-net fishing could have on the marine environment and on marine resources. The Conference accepted the principles contained in General Assembly resolutions 44/225 and 45/197 and urged the Latin American and Caribbean countries to adopt, in accordance with their own legal procedures, the necessary measures for ensuring the total prohibition of the use of large-scale drift-net fishing in waters under their jurisdiction.

11. In November 1991, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a resolution concerning catches of bluefin tuna by non-member countries. The resolution noted that several non-contracting parties had harvested and continued to harvest Atlantic bluefin tuna outside the regulatory regime of the Commission and contrary to the principles of customary international law, as articulated in the United Nations Convention on the Law of the Sea. Accordingly, ICCAT resolved to invite again all non-contracting parties fishing tuna in the Convention area to join the Commission as a member or to participate as an observer. Contracting parties on their part were requested to encourage non-contracting parties fishing tuna in the Convention area to join the Commission. In order to implement the resolution certain technical details were to be developed relating, inter alia, to the following:

(a) The review of recommendations concerning the prohibition of the transfer at sea of western Atlantic bluefin tuna between vessels from different countries;

(b) The consideration and outlining of measures to prevent the re-flagging of vessels of contracting parties for the purpose of avoiding fisheries management measures established by the Commission.

12. At a meeting held at Madrid in November 1991, ICCAT adopted recommendations to enhance the management measures currently in effect on western Atlantic bluefin tuna (Thunnus thynnus).

13. The Forum Fisheries Agency (FFA) reported over the past 12 months that FFA had received one confirmed report of large-scale pelagic drift-net fishing in the South Pacific region. In June a Taiwanese vessel equipped to gillnet (targeting Spanish mackerel) was apprehended in the Gulf of Papua. 1/

14. Article 8 of the Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific (the Wellington Convention) requires parties to cooperate with each other and with appropriate distant water fishing nations and other entities or organizations in the development of conservation and management measures for South Pacific albacore tuna within the Convention area. In accordance with this provision FFA convened a Fourth Consultation on Arrangements for South Pacific Albacore Fisheries Management, from 16 to 18 December 1991. The consultation was attended by all FFA member countries as well as Taiwan Province of China, France (representing French Polynesia, New Caledonia and Wallis and Futuna), Japan, Korea, the United States of America and the South Pacific Commission. In its response to the Secretary-General, FFA observed that, from the point of view of FFA member countries, little progress had been made in the development of an appropriate management arrangement.

15. The Forum reaffirmed its commitment to the cessation of drift-net fishing. It fully supported General Assembly resolution 46/215, which will end high seas drift-net fishing globally by 31 October 1992. It called on all eligible countries to ratify the Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific or its protocols (A/47/391, annex, para. 13).

III. REVIEW BY REGION

A. North Pacific

16. On 11 February 1992, Canada, Japan, the Russian Federation and the United States of America signed in Moscow the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean. The Convention prohibits "directed fishing for anadromous fish", including through the use of large-scale drift-nets, in the waters of the North Pacific Ocean and its adjacent seas, north of 33°N beyond the 200-mile limit (art. III). Incidental taking of anadromous fish shall be minimized to the maximum extent practicable to reduce such incidental taking to insignificant levels (annex). For the purposes of this Convention "directed fishing" means fishing targeted at a particular species or stock of fish, and "incidental taking" means catching,

taking or harvesting a species or stock of fish while conducting directed fishing for another species or stock of fish. 2/ This treaty in effect recognizes that fisheries for anadromous stocks should be conducted only in waters within 200 nautical miles of the baselines from which the breadth of the territorial sea is measured.

17. Once in force, this Convention will establish an international organization to promote the conservation of Pacific anadromous species throughout their migratory range in the high seas area of the North Pacific Ocean and its adjacent seas, as well as ecologically related species, including various marine mammals, seabirds and non-anadromous fish species. The new organization, which will be known as the North Pacific Anadromous Fish Commission, will also serve as a needed venue for consultation and coordination of high seas fishery enforcement activities by the contracting parties.

18. In its submission to the Secretary-General of September 1992, the United States called upon all members of the international community to implement resolution 46/215 and abide fully by the global moratorium on large-scale pelagic drift-net fishing.

19. It urged all members of the international community to report, on a timely basis, any activity that was contrary to resolution 46/215 to the Secretary-General and to appropriate national, regional and international organizations and entities.

20. The United States also agreed that all members of the international community should take appropriate measures to prohibit their nationals and fishing vessels flying their flag from undertaking any activities contrary to resolution 46/215 and to impose appropriate penalties against any that might undertake such activities.

21. It noted that it had already taken steps, through the enactment of Public Law 101-627 of 28 November 1990, to prohibit any United States national from engaging in large-scale drift-net fishing, including in areas beyond the exclusive economic zone of any nation.

22. With regard to paragraph 3 (b) of resolution 46/215, the United States stated that it had remained vigilant in its efforts to cooperate with all concerned members of the international community to ensure that areas of large-scale pelagic drift-net fishing on the high seas were not expanded.

23. The United States reported that it had extended its 1991 enforcement, regulatory and information-gathering agreements for the high seas squid and large-mesh drift-net fisheries of Japan, Taiwan Province of China and the Republic of Korea in the North Pacific Ocean. The extension will be in force until 31 December 1992, when the global moratorium on large-scale pelagic drift-net fishing on the high seas takes effect pursuant to resolution 46/215. These agreements, inter alia, restrict the time and area of the high seas drift-net fishing vessel operations, limit the number of vessels that may

participate in the fishery, provide for the transmission of catch and effort data to the United States, and allow for cooperative high seas enforcement activities by United States and flag state authorities.

24. In its submission of 6 October 1992, Canada reported that in the North Pacific Ocean its main concerns related to unauthorized salmon fishing and the impact of large-scale drift-nets on non-targeted species, including salmon and other fish, marine mammals and seabirds. Canada fully supported efforts to understand and effectively conserve the marine resources of the North Pacific Ocean through international cooperation. In this regard Canada was pleased to note the entry into force of the Convention for a North Pacific Marine Science Organization in March 1992. Canada also noted that the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, which had been ratified by Japan and Canada, was expected to come into force during 1993.

25. Canada stated that the high seas squid drift-net fisheries in the North Pacific were of considerable concern to Canada because of the significant numbers of non-targeted species that were caught in the drift-nets, killed and subsequently discarded. It noted that:

> "Canadian scientists have conducted research cruises in the North Pacific to obtain information regarding the incidental catch of non-targeted species, the number and origin of the salmon caught in squid drift-net operations, and the incidence and implications of discarded drift-nets. These fisheries research vessels have caught salmon on the eastern and northern margins of the squid fishery, which confirms that an overlap of squid and salmon distribution exists that can result in unintentional catch of salmon by squid fishing vessels. For this reason Canada has strongly opposed, and continues to oppose, Japan's unilateral decision to extend the 1989 northern boundary of its squid drift-net fishery, as well as similar boundaries adopted by Taiwan Province of China and the Republic of Korea."

26. Canada stated that a more significant problem involved the "pirates", those vessels which cross the squid fishery northern boundary to target deliberately North American-origin salmon. Since 1990, Canada stated, its Department of National Defence had conducted a programme of air surveillance flights north of the high seas squid drift-net fishing boundary to obtain direct evidence of vessels illegally drift-net fishing for salmon in the North Pacific Ocean. Vessels from Taiwan Province of China had been sighted in this area directing for salmon giving rise to concern about the extent of those catches, which were contrary to Taiwanese law. Canada declared that most of this illegal catch currently estimated at 6,000 tons was canned, frozen and re-exported from Thailand, Singapore, Malaysia, Indonesia, Hong Kong and China to Europe and Australia. It pointed out that attempts at marketing such salmon in and through Canada, the United States and Japan had largely been successfully thwarted through joint and separate enforcement actions by these countries.

27. Canada noted that in 1992 it submitted to the United Nations the report of the scientific conference held in Sidney, British Columbia, which reviewed

the impacts of large-scale drift-nets in the North Pacific Ocean (on which see the report of the Secretary-General on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas (A/46/615)) which were based, in part, on the findings of the 1989 and 1990 squid drift-net observer programmes with Japan. The results of the 1991 squid drift-net observer programme would be made available shortly. In its submission Canada welcomed the statement by Japan entitled "Regulatory, Enforcement and Information Gathering Programme of the Government of Japan on the Japanese High Seas Squid and Large-mesh Drift-net Fisheries for the period 1 July 1992 through 31 December 1992". Canada noted that "while the Japanese programme specifies measures to be taken by Japanese vessels to reduce fishing effort and areas of fishing operations, it is unclear if resolution 46/215's objective of a 50 per cent reduction in fishing effort by 30 June 1992 has been achieved as a result of these measures. Canada is seeking clarification on how the reduction applies to Japan's squid and large-mesh fisheries".

28. Canada also welcomed the extension of drift-net regulatory and information gathering programmes by the Republic of Korea and Taiwan Province of China for their drift-net vessels in the North Pacific for the period 1 July through 31 December 1992. Canada stated that it was seeking further clarification on the steps that these countries had taken to comply within resolution 46/215's objective of a 50 per cent reduction in fishing effort by 30 June 1992.

29. Canada concluded that its primary objective

> "... is to ensure that the 1989, 1990 and 1991 United Nations General Assembly drift-net resolutions are implemented in a full, timely and effective manner in all regions. Effective international cooperation towards this objective is necessary to ensure the conservation and protection of living resources on the high seas. To this end, Canada calls on all States and jurisdictions to ensure that their vessels and nationals comply fully with the terms of resolution 46/215, and in particular, the 31 December 1992 global moratorium on all large-scale pelagic drift-net fishing. Governments should ensure that appropriate legal sanctions are applied in full to any interests which contravene laws or regulations prohibiting large-scale drift-net fishing. Canada calls on all members of the international community to remain vigilant and report evidence of activity inconsistent with resolution 46/215 to the Secretary-General and to the appropriate national, regional and international bodies. The international community must ensure that the moratorium is not circumvented by reflagging of drift-net vessels or by drift-net fishing by 'pirate' vessels. Canada requests the Secretary-General to continue to monitor compliance with resolution 46/215 subsequent to the 31 December 1992 moratorium date and prepare a further report on the subject for consideration at the forty-eighth session of the United Nations General Assembly".

30. In its submission to the Secretary-General of 18 August 1992, Japan reported taking the following measures in accordance with paragraph 3 of resolution 46/215:

"1. Beginning on 1 January 1992, the permitted fishing area of the large-mesh drift-net fishery was reduced by approximately 40 per cent.

"2. Beginning on 1 July 1992,

"(a) The permitted fishing areas of both the squid and large-mesh drift-net fisheries were further reduced, and became approximately half of the previous year's areas;

"(b) The number of licences for the squid and large-mesh drift-net fisheries was reduced from 454 to 426 and 71 to 18, respectively;

"(c) In addition to the provisions in (a) and (b), for smooth implementation of the moratorium beginning on 1 January 1993, the maximum number of fishing vessels to engage in actual operations is established for each month as described below:

July	August	September	October	November	December
420	420	280	280	140	140

If, by any chance, the actual number of fishing vessels in any particular month should exceed the maximum number set for that month, such an excess effort will be adjusted and subtracted from the maximum number allowed in December."

B. South Pacific

31. The Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific (the Wellington Convention), which came into force on 17 May 1991, has received growing international support. 3/ The United States (28 February 1992), Kiribati (10 January 1992) and Australia (6 July 1992) have ratified the Wellington Convention. The United States has also ratified Protocol I and Canada and Chile have signed Protocol II. Parties to Protocol I, which is open to those countries which fish in the South Pacific region, agree to prevent their nationals and vessels from fishing with drift-nets in the Convention area. Parties to Protocol II, which is open to all countries in the Pacific Rim, are required not to assist or encourage the use of drift-nets in the Convention area and are also obliged to prohibit the use of drift-nets in all areas under their fishery jurisdiction, and to prohibit the transshipment of drift-net catches within areas under their jurisdiction.

32. It may be noted that Fisheries Management Act 1991 of Australia contained the legislative provisions necessary for that country to give effect to the Wellington Convention.

33. On the question of drift-net fishing activity within the South Pacific region, New Zealand made the following observations:

"8. New Zealand is pleased to report that there has been no drift-net activity within areas under its jurisdiction over the past 12 months. New Zealand fishery compliance officers maintain close cooperation with other nations on drift-net matters, including through exchanges of information on drift-net fleets. Such information has led to several vessel inspections in New Zealand waters to ensure that our strong domestic legislation on drift-netting is being fully observed.

"9. Within the broader Wellington Convention area, however, there have been some reports of drift-net activity. New Zealand wishes to express its strong concern about such reports and to urge all members of the international community to take all necessary steps to prevent their nationals or interests from engaging in or encouraging drift-net fishing within the Convention area.

"10. New Zealand is aware of several allegations of drift-net fishing activity within the South Pacific region. We regard any such activity as being inconsistent with the letter and spirit of resolution 46/215. We have taken steps to ensure the appropriate regional organization, the Forum Fisheries Agency, receives such information. Available details of the alleged incidents follow:

(a) March 1991. A number of ocean-going sailboats reported they were harried and chased by drift-net vessels in the South Pacific high seas area north-east of French Polynesia. One vessel also sighted marked drift-nets.

(b) March-May 1992. Scientific observers on board albacore troll vessels operating in the South Pacific high seas area east of New Zealand reported a low incidence of fresh drift-net damage among troll-caught albacore. While similar observations have been clearly linked to drift-net fishing in the past, no drift-net vessels were observed. This suggests that a low level of drift-net fishing may be ongoing in the Convention area adjacent to the troll fishing area.

(c) July 1991. HMNZS Tui identified a drift-net vessel during net recovery in the waters of the Federated States of Micronesia. No name or callsign was observed, the vessel did not respond when radioed and crew proceeded below decks when the Tui closed on and illuminated the vessel. The vessel was a modern ship of around 400 tons.

(d) There have been reports of drift-net vessels operating in the exclusive economic zone of Papua New Guinea adjacent to the Australian fishing zone. Two Taiwanese vessels suspected of drift-net fishing are being held by the Papua New Guinea authorities.

(e) There have been reports that drift-net vessels passed through Noumea port in New Caledonia in August 1991."

34. New Zealand concluded that it continued

> "... to believe that full implementation of resolution 46/215 is essential for the conservation and sustainable management of marine living resources. We urge all countries to take all necessary steps to ensure that their nationals and interests comply fully with the terms of the resolution. We request the Secretary-General to continue to monitor compliance with resolution 46/215 following the deadline of 31 December 1992 for the cessation of all large-scale pelagic drift-net fishing and to prepare a further report on that subject for consideration at the forty-eighth session of the General Assembly. If there is evidence that some interests are not complying fully with the resolution, the Secretary-General should identify those interests and suggest ways of ensuring that they immediately cease activities or conduct inconsistent with resolution 46/215."

35. In its submission to the Secretary-General of August 1992, Australia stated that on the high seas adjacent to Australia's east coast, no drift-net fishing activities had been reported to Australian authorities since the agreed cessation in the South Pacific came into effect in July 1991.

36. The Australian submission noted that Japan and the Republic of Korea had indicated their intention to implement measures for fleet reduction during 1992 and cessation of high seas drift-net fishing by their vessels by the end of the year. Taiwan Province of China is reported to have enacted fisheries administrative measures to meet the target of 50 per cent reduction on high seas drift-net activity by 30 June 1992 and to prohibit drift-net fishing operations in the high seas by 31 December 1992. Australia stated, however, that "we remain concerned that large-scale drift-net fishing operations may continue on the high seas beyond 31 December 1992, unless there is a strong commitment from all concerned members of the international community to ensuring full implementation of resolution 46/215".

37. Australia noted that the practice of reflagging to avoid legitimate management controls was emerging as a serious problem in a number of high seas fisheries around the world. It urged countries whose nationals have been involved in drift-net fishing to take steps to discourage them from attempts to continue drift-net operations under other flags.

38. In its submission to the Secretary-General dated 16 June 1992, Ecuador stated that in Ecuador large-scale drift-net fishing was not carried out either by national or foreign fleets. Such activities would go against the policy of the Government, given its constant preoccupation with the effective conservation of marine living resources and the protection and preservation of the marine environment.

C. Indian Ocean

39. In its reply of 28 July 1992, Kenya notified the Secretary-General that Kenya did not use drift-net fishing gear in its waters nor had they been deployed in Kenya's economic zone.

40. With respect to this region Australia noted that to its west the operations of drift-net vessels from Taiwan Province of China remained a serious concern. Australia was particularly concerned that, notwithstanding the provisions of resolution 46/215, fleet displacement might take place into areas such as the Indian Ocean, where the institutional framework might not be adequate to deal with the practice of drift-net fishing. Australia was gravely concerned at the threat posed by drift-net fishing to the marine resources of the Indian Ocean.

41. It pointed out that the southern bluefin tuna was depleted to historically low stock levels and could be further threatened if drift-net fleets continued to operate in the Indian Ocean. There was an unqualified by-catch of southern bluefin tuna by vessels from Taiwan Province of China fishing for albacore in the southern Indian Ocean. Australia in its submission observed that this could undermine the conservation and management measures that had been developed by Australia, Japan and New Zealand for the global southern bluefin tuna fishery. It stated that the negotiations for formalization of those arrangements in an international regime of treaty status were in their final stages.

42. Australia declared that in the Indian Ocean it was also concerned at the potential for the surface (drift-net) fishery to cause depletion of albacore tuna stocks, with adverse impacts upon sustainable fisheries for the species using environmentally responsible fishing methods.

43. The submission observed that the commitment of countries bordering the Indian Ocean and nations who fished there to improving standards of management of high seas fisheries in the region was reflected in their progress towards establishment of a regional fishery management body, the Indian Ocean Tuna Commission.

44. Australia stated that analysis of the impacts of drift-net fleet operation in the world's oceans continued to be hampered by the lack of accurate information on catch, efforts and by-catch, particularly the Indian Ocean. It accordingly urged the countries of the Indian Ocean region and relevant distant water fishing countries to provide the Secretary-General with any information that might be available on drift-net fishing activities in the Indian Ocean.

45. Australia maintained that under the terms of resolution 46/215, significant reduction in drift-net fishing activity should already have taken place. It was of the opinion that in the Indian Ocean the seasonal characteristics of fishing were such that the 50 per cent reduction called for in paragraph 3 (a) would probably have been met. However, it declared that in the high seas areas of the Indian and other oceans, it was difficult for

interested members of the international community to ascertain whether the targets set by paragraph 3 (a) had in fact been met.

46. In order to monitor properly the progress made in the implementation of resolution 46/215, Australia requested the Secretary-General to seek detailed information from the relevant fishing nations as to the nature, scale and timing of reduction in high seas drift-net fishing activity made pursuant to resolution 46/215. It also requested the Secretary-General to encourage concerned members of the international community to cooperate in taking measures to ensure full compliance with the moratorium provisions of the resolution.

D. Atlantic Ocean

47. Norway reported to the North-East Atlantic Fisheries Commission that there was no large-scale pelagic drift-net fishing in Norwegian waters and that they had no knowledge of any vessels registered in Norway fishing with such nets on the high seas. Norway had no information about any other activities inconsistent with resolutions 45/197 and 44/225. 4/

48. In its submission Canada noted that in the north-east Atlantic Ocean Canada remained very concerned that the European Economic Community had stated that it would not implement the moratorium in the Baltic Sea and would delay its implementation in some cases in the Atlantic Ocean and Mediterranean Sea until January 1994.

49. Sweden noted that General Assembly resolution 46/215 applied to large-scale pelagic drift-net fishing on the high seas. Sweden stated that its fishermen were not engaged in fisheries on the high seas. Accordingly, Sweden had carried out no activities inconsistent with the terms of resolution 46/215. 5/

50. Poland stated that its fisheries did not employ large-scale drift-net fishing technology on the oceans and that pelagic drift-net fishing on a small scale was pursued in accordance with rule 14 of the fishery rules of the International Baltic Sea Fisheries. 6/

51. In its submission of 27 August 1992, Trinidad and Tobago declared that it had taken the following measures to uphold the provisions of resolution 46/215:

"(a) The National Fisheries Company Limited, the majority shares of which are owned by the Government of Trinidad and Tobago, has banned the servicing of any vessels involved in large-scale drift-net fishing;

"(b) The Government of Trinidad and Tobago has appointed a Monitoring Committee on Foreign Fishing whose terms of reference include monitoring the characteristics and fishing gear of foreign fishing vessels that use Trinidad and Tobago for shipment to ensure that large-scale drift-net or any other gear that may be detrimental to fish stocks are not being used;

"(c) The Government of Trinidad and Tobago has sought legal assistance from the Food and Agriculture Organization of the United Nations to bring its marine fisheries legislation up to date. This will include regulations against large-scale drift-net fishing."

52. In its reply of 8 September 1992, the Commonwealth of Dominica informed the Secretary-General that it had no record of any party or parties engaging in large-scale pelagic drift-net fishing, inconsistent with the terms of resolution 46/215.

53. Guyana in its reply of 11 June 1992 informed the Secretary-General that it had no information concerning activities or conduct inconsistent with the terms of resolution 46/215.

54. Panama stated in its response of 20 July 1992 that its local fishing fleet did not use large-scale drift-nets, and that Panama had taken measures to ensure that ships registered in Panama did not use this type of drift-net.

55. In its submission of 25 June 1992, Uruguay stated that based on available information there were no large-scale drift-net vessels stopping at its ports. Plans are afoot to establish an information and monitoring programme in order to detect the presence of such ships. In a decree of 17 December 1991 Uruguay has, inter alia, prohibited the use of drift-nets in waters under its jurisdiction.

56. Argentina, in its submission of 1 May 1992, informed the Secretary-General that drift-net fishing was prohibited in Argentina by a resolution of the Secretary for Agriculture, Livestock and Fisheries No. 245/91 (article 14A).

57. The submission by Namibia of 29 June 1992 stated that (a) although the current legislation made provision for the use of drift-nets, provided a permit was issued for the use of such nets, the Government's policy is not to allow any kind of drift-nets within the Namibian exclusive economic zone; and (b) the draft legislation, which, it is hoped, would be in force later this year, prohibited the use of any drift-nets within the Namibian exclusive economic zone.

E. The Mediterranean

58. It has been reported that Italian swordfish drift-net vessels continue to use nets in excess of the length specified by European Economic Community regulation 345/92. 7/ It will be recalled that regulation 345/92 expressly prohibited fishing by Community vessels with drift-nets longer than 2.5 kilometres in Community waters, as well as on the high seas. Regulation 345/92 established an exception to this length (allowed until 3 December 1993) for Community vessels that have used drift-nets in the fishing of albacore tuna in the North Atlantic during at least the last two years.

59. In its response of 14 July 1992, Tunisia submitted the following information. The Tunisian fishing fleet, especially units engaged in pelagic fishing, did not use large-scale drift-nets. They used other types of fishing gear. During the last six months there had been no reports from monitoring inspectors of any activity inconsistent with the terms of resolution 46/215.

60. In its reply of 28 August 1992, Ukraine, a riparian State of the Black Sea, reported that it did not engage in large-scale drift-net fishing.

Notes

1/ Submission of FFA to the Secretary-General dated 17 September 1992.

2/ Article II of the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean. On the impact of North Pacific drift-net fisheries on salmonids and squid, see the report of the Secretary-General on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas (A/46/615).

3/ International Legal Materials, vol. XXIX, 1990, pp. 1449-1469.

4/ Submission of the North-East Atlantic Fisheries Commission dated 29 June 1992.

5/ Ibid., and submission of Sweden dated 1 July 1992.

6/ Submission of Poland dated 14 July 1992.

7/ Submission of Greenpeace International dated 18 August 1992.

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UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of its resolution 46/46 D of 9 December 1991.

2. The report includes the substance of responses from Member States and United Nations agencies to the appeal contained in that resolution, together with reference to further action taken by Member States and United Nations agencies in response to the appeal contained in General Assembly resolutions 32/90 F of 13 December 1977, 33/112 C of 18 December 1978, 34/52 C of 23 November 1979, 35/13 B of 3 November 1980, 36/146 H of 16 December 1981, 37/120 D of 16 December 1982, 38/83 D of 15 December 1983, 39/99 D of 14 December 1984, 40/165 D of 16 December 1985, 41/69 D of 3 December 1986, 42/69 D of 2 December 1987, 43/57 D of 6 December 1988, 44/47 D of 8 December 1989 and 45/73 D of 11 December 1990. By these resolutions the Assembly appealed to all States, specialized agencies and non-governmental organizations to augment special allocations for grants and scholarships to Palestine refugees; invited the relevant United Nations agencies to continue, within their respective spheres of competence, to extend assistance for higher education to Palestine refugee students; and requested UNRWA to act as the recipient and trustee for such special allocations and scholarships and to award them to qualified refugee candidates.

3. In 1991-1992, the Government of Japan offered 16 fellowships, through UNRWA, to Palestine refugees who are employed by UNRWA as vocational training staff. Applications of nominees for these fellowships are currently being

processed by the Japan International Cooperation Agency (JICA). The fellowships, which apply to studies in Japan, are under the guidance of JICA. A review of this programme shows that since its inception in 1985 and until 1992 a total of 92 fellowships has been provided by the Government of Japan under the programme. In 1989, the Government of Japan contributed $1 million, to be spent over a five-year period, towards UNRWA's university scholarship programme for secondary school graduates. The recipients are Palestine refugee students from the occupied territory. A total of 140 recipients participated in the programme in 1991-1992. These awards, while not specifically in response to the General Assembly resolutions, are in keeping with their spirit.

4. The Government of Switzerland contributed $180,000 in 1989 to UNRWA's university scholarship programme for secondary school graduates, and contributed an additional $213,000 and $197,300 to the programme in 1990 and 1991, respectively. The recipients total 136 Palestine refugee students who participated in the programme in 1991. The awards, while not specifically in response to the General Assembly's resolutions, are in keeping with their spirit.

5. The United Nations Education, Scientific and Cultural Organization (UNESCO), as part of its long-standing agreement with UNRWA, granted 66 fellowships to Palestine refugee education staff of UNRWA in the period 1981 to 1990. In September 1990, the Director-General addressed a circular letter to member States and foundations appealing to those who had not done so to contribute to the special fund opened at UNESCO to provide fellowships for students from the occupied territory. This was a second renewal of the appeal originally made on 8 December 1986 and renewed on 27 April 1988. The first two appeals yielded $63,000 as cash contributions and 35 sponsored fellowships. More recently, a contribution of $300,000 was received for the fund. The Director-General also launched on 7 September 1990 an appeal to 89 universities in all parts of the world, inviting them to grant research and further training fellowships to Palestinian researchers and lecturers in the various areas of science and technology. Eleven replies have been received. In addition, UNESCO has decided to offer its support to the initiative of several prestigious European universities, to launch - together with the institutions of higher education in Palestine - an inter-university cooperation programme called PEACE (Palestinian European Academic Cooperation in Education), in support of the latter institutions, and consisting of seminars and joint studies. UNESCO's support to the PEACE programme will be channelled through a project called UNITWIN (University Twinning).

6. The World Health Organization (WHO) continued to offer a postgraduate training fellowship programme aimed at developing the technical and managerial skills of the staff of UNRWA's Department of Health, and at meeting future replacement needs under the various health disciplines. Seven Palestinian refugee health staff of UNRWA benefited from these WHO international fellowships in 1991. WHO has awarded more than 31 such fellowships since 1986. During the biennium 1990-1991, WHO also granted three fellowships to Palestinian students: one for studies in paediatric cardiology in Belgium for

a full scholastic year and two for studies in oncology in Belgium for four months each. These were provided under the WHO special technical support programme to improve the health conditions of the Palestinian people in the occupied Arab territories.

7. The World Intellectual Property Organization (WIPO) followed up its award of 15 fellowships in the period 1980 to 1990 with the offer of a further award in 1992.

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UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Palestine refugees in the Palestinian territory occupied by Israel since 1967

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of resolution 46/46 E of 9 December 1991, the operative paragraphs of which read as follows:

"The General Assembly,

"...

"1. Strongly reiterates its demand that Israel desist from the removal and resettlement of Palestine refugees in the Palestinian territory occupied by Israel since 1967 and from the destruction of their shelters;

"2. Requests the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to address the acute situation of the Palestine refugees in the Palestinian territory occupied by Israel since 1967 and accordingly to extend all the services of the Agency to those refugees;

"3. Requests the Secretary-General, in cooperation with the Commissioner-General, to resume issuing identification cards to all Palestine refugees and their descendants in the occupied Palestinian territory, irrespective of whether or not they are recipients of rations and services of the Agency;

"4. Also requests the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly, before the opening of its forty-seventh session, on the implementation of the present resolution and in particular on the compliance of Israel with paragraph 1 above."

2. On 18 March 1992, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the resolution and requested the Permanent Representative to inform him of any steps his Government had taken or envisaged taking in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 30 June 1992, the Permanent Representative of Israel replied as follows:

"Israel's position on this resolution has been set forth in successive annual replies submitted to the Secretary-General in recent years. The report of the Secretary-General (A/46/536) contained the latest of these replies. In addition, Israel's representative to the Special Political Committee reiterated Israel's position during his statement dated 27 October 1989 (A/SPC/44/SR.8).

"This resolution is unbalanced and distorted in that its sponsors intentionally ignore the improved living conditions in the Gaza District since 1967. Nothing can be more indicative of this approach than this resolution's condemnation of refugee rehabilitation projects. Since 1967, Israel has initiated community development projects in the Gaza District enabling some 20,000 families, approximately 150,000 persons, to leave the refugee camps on a voluntary basis and relocate to nearby residential areas. Israel's vital role in planning and implementing these housing projects has been recognized by both the Secretary-General and the High Commissioner of UNRWA in their respective reports (A/40/613 and A/40/13).

"Furthermore, the resolution's request of the Secretary-General to resume issuing identity cards irrespective of the refugees' need for them is yet another indication of the resolution's patent political bias.

"Notwithstanding subversive efforts to the contrary, Israel is determined to pursue the humanitarian task of improving the living conditions of the refugees through projects such as the refugee housing programmes. Israel will welcome all assistance on behalf of the international community intended to improve the refugees' living conditions."

4. The following information concerning Israel's compliance with General Assembly resolution 46/46 E is based on reports from the Commissioner-General of UNRWA.

5. During the period under review, the Israeli authorities have continued to demolish and seal refugee shelters in the Gaza Strip and the West Bank on punitive grounds. The matter is dealt with in detail in the Commissioner-General's annual report to the General Assembly. 1/

6. The Agency is following up with the Israeli authorities the rehousing of refugees who remain affected by the demolitions in 1971 in the Gaza Strip. Paragraph 6 of last year's report (A/46/536) referred to the status of 87 families categorized as living in hardship conditions. The situation on 30 June 1992 remains virtually the same: of these 87 families, 12 continue to live in conditions of hardship, 19 remain unsatisfactorily housed, 37 are satisfactorily housed and 18 had previously purchased houses in projects sponsored by the Israeli authorities. As mentioned in last year's report, one family bought a piece of land and built a house. The situation of the 12 families living in conditions of hardship has been checked several times during the reporting period. Despite repeated assurances by the Israeli authorities that they will be rehoused, that a solution has been developed and would be implemented as soon as possible, no progress has been made.

7. During the reporting period, the Commissioner-General obtained the following information relating to refugee shelters demolished by the Israeli authorities in the Gaza Strip on the grounds that they had been built without proper authority on State land outside camp boundaries:

(a) There has been no change in the situation of the families living on the northern perimeter of Jabalia Camp who, as described in paragraph 7 (a) of last year's report, had been told by the Israeli authorities in 1989 to remove some of their shelter extensions. No demolitions have taken place so far, but the shelters remain isolated by the bulldozing of sand around them.

(b) Of the 35 families whose shelters on the perimeter of Beach Camp were demolished in 1983, 18 families now have plots of land at Sheikh Radwan and Beit Lahiya Housing Projects; one family is occupying a vacant shelter in Beach Camp and the situation of the remaining 16 families remains the same as was described in paragraph 7 (b) of last year's report.

8. Regarding the situation of the families who, at the instance of the Israeli authorities, had agreed to relocate from Block Q of Rafah Camp to the Tel-es-Sultan Housing Project, of the families who remained in the 13 shelters, of which 12 are isolated by sand ramparts, one family has moved to Tel-es-Sultan Housing Project in Rafah.

9. During the reporting period, no new plots of land in housing projects in the Gaza Strip were allocated by the Israeli authorities for refugees living in camps. No new movements took place from camps to housing projects and no new plots were allocated. Nine families, comprising 91 persons from Canada Camp in Egypt, have returned to the Gaza Strip to accommodation provided by the Israeli authorities in Tel-es-Sultan.

10. The Israeli authorities, according to information available to the Commissioner-General, have to date allocated approximately 3,914 plots of land in the Gaza Strip for housing projects. A total of 2,605 plots have been built on by 3,714 refugee families comprising 22,946 persons, buildings on 236 plots are under construction, 936 plots are still vacant and 137 have been built on by non-refugee families. In addition, 3,034 refugee families, consisting of 18,823 persons, have moved into 2,666 completed housing units consisting of 5,893 rooms.

11. Refugee families are continuing to purchase plots of land at subsidized rates for the construction of houses in the projects developed by the Israeli authorities in the Beit Lahiya, Nazleh and Tel-es-Sultan areas. The construction of multi-storey apartment blocks in Sheikh Radwan, sponsored by the Israeli authorities and offered for sale upon completion, as reported last year (A/46/536, para. 11), continues, but the process has slowed down considerably owing to the prevailing situation.

12. With regard to the request addressed to the Commissioner-General in paragraph 2 of resolution 46/46 E, the Commissioner-General advises that since 1988, in addition to providing all its regular services, the Agency has been providing emergency food, medical and other assistance to those in need in the occupied territory. The Agency has also begun a longer-term programme to upgrade infrastructure, especially in the camps, and to improve economic and social conditions. These programmes are discussed in detail in the recent reports of the Commissioner-General. 2/

13. The Secretary-General regrets that he is unable at present to comply with the request addressed to him in paragraph 3 of the resolution. Under an arrangement that has been followed for 40 years, all refugee families registered with UNRWA are in possession of registration cards issued by the Agency. While these cards indicate the number of family members and whether they are eligible for services, they are not identification cards and have a much more limited purpose. The Commissioner-General of UNRWA has pointed out that the Agency issues a registration card reflecting data about the refugee family concerned, which is entered on the registration roll at the time of registration. While the need for documentation, such as is required in the resolution, is appreciated, the Commissioner-General does not have the means to issue identity cards as such. He will, however, keep the situation under review to see whether appropriate documentation regarding the registration status of individual members of refugee families could be issued.

Notes

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 13 (A/47/13), chap. VII, sect. B.

2/ Ibid., Forty-third Session, Supplement No. 13 (A/43/13), chap. II, sect. B; ibid., Forty-fourth Session, Supplement No. 13 (A/44/13), chap. VI, sects. C and D; ibid., Forty-fifth Session, Supplement No. 13 (A/45/13), chap. VI, sects. C and D; ibid., Forty-sixth Session, Supplement No. 13 (A/46/13), chap. VI, sects. C and D; ibid., Forty-seventh Session, Supplement No. 13 (A/47/13), chap. VI, sects. C and D.

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UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Resumption of ration distribution to Palestine refugees

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of its resolution 46/46 F of 9 December 1991, in which the Assembly expressed regret that its resolutions 37/120 F of 16 December 1982, 38/83 F of 15 December 1983, 39/99 F of 14 December 1984, 40/165 F of 16 December 1985, 41/69 F of 3 December 1986, 42/69 F of 2 December 1987, 43/57 F of 6 December 1988, 44/47 F of 8 December 1989 and 45/73 F of 11 December 1990 had not been implemented; called once again upon all Governments, as a matter of urgency, to make the most generous efforts possible and to offer the necessary resources to meet the needs of UNRWA, particularly in the light of the interruption by the Agency of the general ration distribution to Palestine refugees in all fields, and therefore urged non-contributing Governments to contribute regularly and contributing Governments to consider increasing their regular contributions; requested the Commissioner-General of UNRWA to resume on a continuing basis the interrupted general ration distribution to Palestine refugees in all fields; and requested the Secretary-General, in consultation with the Commissioner-General, to report to the Assembly at its forty-seventh session on the implementation of the resolution.

2. The Agency has continued to provide food assistance to the most needy sector of the refugee population, special hardship cases, who numbered 167,602 persons in December 1991.

3. The Agency is also continuing its emergency distributions of basic commodities, such as flour, rice, sugar, animal protein and skim milk to those in need, including non-registered Palestinians in the occupied territory and

Lebanon. In 1991, 25,896 tons of these commodities were distributed in the Gaza Strip; 25,527 tons in West Bank; and 3,307 tons in Lebanon.

4. Given the lack of additional resources, it has not been possible for the Commissioner-General to consider resumption of a general distribution of basic food rations to all refugees.

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UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Return of population and refugees displaced since 1967

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of paragraph 5 of its resolution 46/46 G of 9 December 1991, entitled "Return of population and refugees displaced since 1967", the operative paragraphs of which read as follows:

> "The General Assembly,
>
> "...
>
> "1. Reaffirms the inalienable right of all displaced inhabitants to return to their homes or former places of residence in the territories occupied by Israel since 1967, and declares once more that any attempt to restrict, or to attach conditions to, the free exercise of the right to return by any displaced person is inconsistent with that inalienable right and is inadmissible;
>
> "2. Considers any and all agreements embodying any restriction on, or condition for, the return of the displaced inhabitants as null and void;
>
> "3. Strongly deplores the continued refusal of the Israeli authorities to take steps for the return of the displaced inhabitants;

"4. Calls once more upon Israel:

"(a) To take immediate steps for the return of all displaced inhabitants;

"(b) To desist from all measures that obstruct the return of the displaced inhabitants, including measures affecting the physical and demographic structure of the occupied territories;

"5. Requests the Secretary-General, after consulting with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report to the General Assembly, before the opening of its forty-seventh session, on the compliance of Israel with paragraph 4 above."

2. On 18 March 1992, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the resolution and requested the Permanent Representative to inform him of any steps his Government had taken or envisaged to take in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 30 June 1992, the Permanent Representative of Israel replied as follows:

"Israel's position on this resolution has been detailed fully in successive annual replies submitted to the Secretary-General in recent years. The report of the Secretary-General (A/46/538) contained the latest of these replies.

"The Government of Israel has continued to make every effort possible to review individual cases of resettlement based upon the merits of each case. As a result, the number of persons who have returned to the administered territories is 79,368. This figure does not include those who returned to Judea and Samaria in 1968 or to the Gaza District in 1967-1968, for which figures are unavailable. However, it is well known that a large number of people returned to the areas during that period."

4. In connection with paragraph 4 (a) of General Assembly resolution 46/46 G, the Secretary-General has obtained from the Commissioner-General of UNRWA the information available to him on the return of refugees registered with the Agency. As indicated in previous reports on the subject, the Agency is not involved in any arrangements for the return of refugees nor is it involved in any arrangements for the return of displaced persons who are not registered as refugees. Its information is based on requests by returning registered refugees for transfer of their entitlements for services to the areas to which they have returned and subsequent correction of records. The Agency would not necessarily be aware of the return of any registered refugees who did not request the provision of services. So far as is known to the

Agency, between 1 July 1991 and 30 June 1992, 310 refugees registered with UNRWA returned to the West Bank and 83 to the Gaza Strip. It should be noted that some of these may not themselves have been displaced in 1967, but may be members of the family of a displaced registered refugee whom they accompanied on his return or joined thereafter. Thus, taking into account the estimate given in paragraph 4 of last year's report (A/46/538), the number of displaced registered refugees who are known by the Agency to have returned to the occupied territories since June 1967 is about 12,400. The Agency is unable to estimate the total number of displaced inhabitants who have returned. It keeps records only of registered refugees and, as pointed out above, even those records, particularly with respect to location of registered refugees, may be incomplete.

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UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Protection of Palestine refugees

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of its resolution 46/46 I of 9 December 1991, entitled "Protection of Palestine refugees", the operative paragraphs of which read as follows:

"The General Assembly,

"...

"1. Holds Israel responsible for the security of the Palestine refugees in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and calls upon it to fulfil its obligations as the occupying Power in this regard, in accordance with the pertinent provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

"2. Calls upon all the High Contracting Parties to the Convention to take appropriate measures to ensure respect by Israel, the occupying Power, for the Convention in all circumstances, in conformity with their obligation under article 1 thereof;

"3. Strongly urges the Security Council to consider the current situation in the occupied Palestinian territory, taking into account the recommendations contained in the reports of the Secretary-General dated 21 January 1988, 31 October 1990 and 9 April 1991;

"4. Urges the Secretary-General and the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue their efforts in support of the upholding of the safety and security and the legal and human rights of the Palestine refugees in all the territories under Israeli occupation since 1967;

"5. Calls once again upon Israel to desist forthwith from acts of aggression against the Lebanese and Palestinian population in Lebanon, in violation of the Charter of the United Nations and the norms of international law;

"6. Demands that Israel, the occupying Power, release forthwith all arbitrarily detained Palestine refugees, including the employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

"7. Calls once again upon Israel to compensate the Agency for damages to its property and facilities resulting from the invasion of Lebanon by Israel in 1982, without prejudice to the responsibility of the latter for all damages resulting from that invasion, as well as for other damages resulting from the policies and practices of Israel, the occupying Power, in the occupied Palestinian territory;

"8. Requests the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly, before the opening of its forty-seventh session, on the implementation of the present resolution."

2. On 18 March 1992, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the resolution and requested the Permanent Representative to inform him of any steps his Government had taken or envisaged taking in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 30 June 1992, the Permanent Representative of Israel replied as follows:

"Israel's position on this resolution was fully set forth in statements by Israel's representative to the Special Political Committee on 15 November 1985 (A/SPC/41/SR.14), and in the report of the Secretary-General (A/46/539).

"The adoption of resolution 46/46 I entitled 'Protection of Palestinian refugees' is clearly hypocritical, anachronistic and out of place. Despite Israel's withdrawal from Lebanon in 1985, this resolution still blames Israel for the 'suffering' of the Palestinian Arabs in Lebanon. Not surprisingly, the sponsors of this resolution continue to blame Israel for Arab persecution of Palestinian refugees.

"In recent years, thousands of Palestinians have been killed and wounded in Lebanese refugee camps in vicious fighting totally unconnected with Israel. Likewise, Palestinian refugee camps in Syria and Jordan have been the scenes of considerable human misery which the authors of resolution 46/46 I choose to ignore.

"This selective and distorted presentation of the Palestinian refugees' situation in Arab countries by the sponsors of resolution 46/46 I clearly illustrates the double standards inherent in this resolution and the blatant disregard for the general welfare of the Palestinian refugees.

"In the context of the operative part of this resolution, it should be emphasized that, in keeping with international law, Israel alone is competent to ensure full protection to all the inhabitants of Judea, Samaria and the Gaza District."

4. As set out in his annual report for the period 1 July 1991 to 30 June 1992, 1/ the Commissioner-General of UNRWA has continued his efforts, with the Secretary-General, in support of the safety and security and the legal and human rights of the Palestine refugees in the occupied territory. In this connection, UNRWA international staff in the occupied territory, in particular Refugee Affairs Officers and Legal Officers, have continued to play an important role in helping to reduce tensions, to prevent maltreatment of the refugees, especially vulnerable groups such as women and children, and to assist the refugees in coping with day-to-day problems of their life under occupation. The Commissioner-General has also protested to the Israeli authorities against excessive use of force, collective punishments, punitive demolitions, sealing of shelters and other such measures, as a failure on the part of the Israeli military authorities to uphold standards required under international humanitarian law. As part of the Commissioner-General's efforts in this regard, advice of a legal nature and a measure of financial assistance has been provided to refugees seeking to assert their legal rights. A fuller description of the efforts of the Commissioner-General in this regard is contained in his annual report 1/ and in the report submitted to the Security Council by the Secretary-General in accordance with resolution 681 (1990). 2/

5. Following the withdrawal of the Israeli forces from the Saida and Tyre areas in February and April 1985 respectively (see A/40/756, para. 5), there is nothing further to state regarding the Palestine refugees in Lebanon in the context of the present report.

6. Section IV.D of the annual report of the Commissioner-General of UNRWA to the General Assembly 1/ reviews the efforts UNRWA has made during the period to continue its programme for the repair of refugee shelters damaged and destroyed during the fighting in Lebanon.

7. There has been no progress on the claim by UNRWA against the Government of Israel regarding damage to its property and facilities resulting from the Israeli invasion of Lebanon in 1982.

Notes

1/ Official Records of the General Assembly, Forty-Sixth Session, Supplement No. 13 (A/46/13).

2/ S/22472.

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UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Protection of Palestinian students and educational institutions and safeguarding of the security of the facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in the occupied Palestinian territory

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of its resolution 46/46 K of 9 December 1991, the operative paragraphs of which read as follows:

"The General Assembly,

"...

"1. Condemns the repeated Israeli raids on the premises and installations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and calls upon Israel, the occupying Power, to refrain from such raids;

"2. Deplores the policy and practices of Israel, the occupying Power, which have led to the prolonged closure of educational and vocational institutions, a large number of which are operated by the Agency, and the repeated disruption of medical services;

"3. Calls upon Israel, the occupying Power, to open immediately all closed educational and vocational institutions and to refrain from closing them thereafter;

"4. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution."

2. On 18 March 1992, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the resolution and requested the Permanent Representative to inform him of any steps his Government had taken or envisaged taking in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 30 June 1992, the Permanent Representative of Israel replied as follows:

> "This resolution is unbalanced, distorting the role and policy of the Government of Israel. The policy of the Government of Israel has been, and remains, to encourage the improvement and development of the educational system in Judea, Samaria and the Gaza District. During the period of Israel's administration, the level of education and literacy in these territories has improved markedly and many new institutions of learning were established.
>
> "Since December 1987, however, the schools have frequently been exploited as centres for the organizing and launching of violent activities.
>
> "Measures taken by the authorities have been a direct result of, and in reaction to, activities which have nothing to do with education.
>
> "Those measures have been successful and have enabled the authorities to permit the reopening of all educational institutions, including all seven institutions of higher education in the administered territories, as recently recognized by 26 C/Resolution 16 of UNESCO."

4. The following information concerning Israel's compliance with General Assembly resolution 46/46 K is based on reports from the Commissioner-General of UNRWA. It covers the period from 1 July 1991 to 30 June 1992 and relates exclusively to UNRWA educational institutions and other facilities. Further information is contained in the annual report 1/ of the Commissioner-General of UNRWA for the above-mentioned period.

5. During the period under review, there were 117 cases of unauthorized entry into UNRWA premises in the West Bank by the Israeli authorities. Of these, 62 related to schools and 25 to health centres. In the Gaza Strip there were 210 such cases, of which 118 related to schools and 69 to health centres. UNRWA has taken up these cases with the Israeli authorities who, in a number of instances, have claimed that UNRWA premises were entered because stones had been thrown from within or stone-throwers were being chased into the premises.

6. During the same period, there was one fatality and 138 cases of injury among students and trainees at UNRWA educational institutions in the West Bank. The corresponding figures for the Gaza Strip were five fatalities and 637 injuries. These casualties were attributable to beatings, tear-gas

inhalation, rubber bullets and live ammunition. In addition, a total of 259 students and trainees in the West Bank and 43 in the Gaza Strip were detained, of whom 144 in the West Bank and 37 in the Gaza Strip were released by 30 June 1992.

7. In late 1991 UNRWA's three training centres in the West Bank completed the 1990/1991 academic year, interrupted as a result of military closures and the general curfew imposed during the Gulf War. The 1991/1992 academic year began on 18 November 1991 (for the Kalandia Training Centre) and on 17 December 1991 (for the Ramallah Men's and Women's Training Centres). An average of 21 per cent of academic time was lost owing to general strikes, curfews and severe weather conditions. Moreover, instruction was interrupted during March 1992, in solidarity with Gaza trainees who were being prevented by the Israeli authorities from attending the centres because of a new requirement that they should obtain permits to stay in the West Bank. Out of concern for educational pursuit and the demands of the students who were not allowed to leave Gaza, the Agency requested and obtained permits from the Israeli authorities for students from Gaza attending UNRWA training centres in the West Bank. However, of a total of 200 students from the Gaza Strip attending Ramallah and Kalandia Training Centres, 17 students did not receive permits to study in the West Bank. The Gaza Training Centre lost 18 per cent of days owing to strikes, 1 per cent because of curfew, 1 per cent owing to military closure orders, and 4 per cent owing to closure by the UNRWA administration for security considerations.

8. In the West Bank, a total of 17.2 per cent of school time was lost between September 1991 and June 1992, owing primarily to military closures, general strikes and curfews. In the Gaza Strip, the corresponding amount of school time lost was 12.4 per cent. Two schools were closed throughout the entire year by a military closure order.

9. On 27 May 1992, following the stabbing of an Israeli resident of the Kfar Darom settlement in the Gaza Strip by a Palestinian, settlers from the settlement attacked the nearby UNRWA elementary school at Deir el-Balah on three separate occasions in the course of several hours. More than 200 children were inside the school taking their final examinations. In one attack the settlers used a bulldozer to raze the school's fence. Eventually, the military authorities restored calm and UNRWA staff evacuated the children.

10. During the reporting period, the Agency provided students in the West Bank and the Gaza Strip with distance education and self-learning materials, but such measures can provide only partial compensation for lost classroom time. Preliminary analysis of achievement tests that UNRWA administered in 1991 to all grade levels in these areas discloses a detrimental effect on the educational performance of students, especially those in the lower elementary grades and on subjects such as mathematics and sciences. In the West Bank, the Israeli authorities have taken the position that UNRWA should conform to the school openings and times of schools run by the Civil Administration. UNRWA did not agree to subordinate the opening and closure of schools to the

Civil Administration programme but was, however, forced to end the school year in the West Bank at the same time as schools operated by the Civil Administration because security considerations were invoked and a military closure order served on UNRWA.

Notes

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 13 (A/47/13), paras. 69-72 and 81-84.